



040804

## FISH &amp; RICHARDSON P.C.

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April 8, 2004

Attorney Docket No.: 10225-038001

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10/822561  
U.S.PTO  
17302



040804

**Mail Stop Patent Application**

Commissioner for Patents

P.O. Box 1450  
Alexandria, VA 22313-1450

Presented for filing is a new patent application claiming priority from a provisional patent application of:

FR

BOSTON  
DALLAS  
DELAWARE  
  
NEW YORK  
SAN DIEGO  
  
SILICON VALLEY  
  
TWIN CITIES  
  
WASHINGTON, DC

Applicant: JOSE DE LA TORRE-BUENO

Title: AUTOMATED MEASUREMENT OF CONCENTRATION AND/OR AMOUNT IN A BIOLOGICAL SAMPLE

The prior application is assigned of record to ChromaVision Medical Systems, Inc., a Delaware corporation, by virtue of an assignment submitted to the Patent and Trademark Office and recorded on July 28, 2003 at 013836/0265.

Enclosed are the following papers, including those required to receive a filing date under 37 CFR §1.53(b):

	<u>Pages</u>
Specification	83
Claims	7
Abstract	1
Declaration	[To be Filed at a Later Date]
Drawing(s)	9

## Enclosures:

- Small entity statement. This application is entitled to small entity status.
- Application Cover Sheet
- Request for Nonpublication
- Postcard.

Under 35 USC §119(e)(1), this application claims the benefit of prior U.S. provisional application 60/462,159, filed April 10, 2003.

## CERTIFICATE OF MAILING BY EXPRESS MAIL

Express Mail Label No. EV 399290661 US

April 8, 2004

Date of Deposit

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April 8, 2004  
Page 2

Basic filing fee	\$0
Total claims in excess of 20 times \$9	\$0
Independent claims in excess of 3 times \$43	\$0
Fee for multiple dependent claims	\$0
Total filing fee:	\$0

Under 37 CFR §1.53(f), no filing fee is being paid at this time.

If this application is found to be incomplete, or if a telephone conference would otherwise be helpful, please call the undersigned at (858) 678-5070.

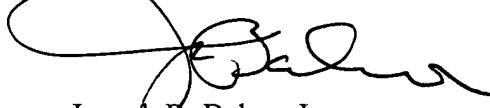
Kindly acknowledge receipt of this application by returning the enclosed postcard.

Please direct all correspondence to the following:

20985

PTO Customer Number

Respectfully submitted,



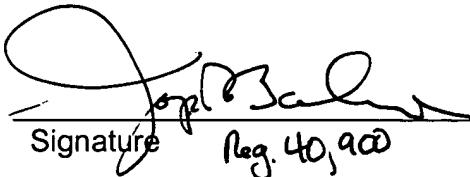
Joseph R. Baker, Jr.  
Reg. No. 40,900  
Enclosures  
JVB/tmb  
10384321.doc

**REQUEST AND CERTIFICATION  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor	Jose de la Torre-Bueno
Title	Automated Measurement of Concentration and/or Amount in a Biological Sample
Atty Docket Number	10225-038001

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

4/8/04  
Date

  
Signature Joseph R. Baker, Jr.  
Reg. 40,900

Joseph R. Baker, Jr.

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**